

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chinomi et al. (2004/0059498).

Regarding claim 1, Chinomi discloses a content providing area presentation system, comprising: storing data in a portable device representing locations within the market research (see abstract, fig.1, elements 100, 103/104/105/106/107, paragraph [0039]); inputting transmitter location data in the portable device representing selected locations of the wireless transmitters relative to the research area (see abstract, fig.1, elements 100, 110, paragraphs [0039], [0044-0045]); and associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps locations of the wireless transmitters with the associated transmitter representative data, wherein said transmitter representative data comprises

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information regarding at least a part of the exposure of the one or more market research participant to one or more commercial items in the market research area (see abstract, fig.1, elements 100, 102, 111, paragraphs [0039], [0041-0045], fig.2, D203, paragraphs [0052-0053]).

Regarding claim 2, Chinomi further discloses the research area comprises an interior of a commercial establishment (see fig.2, paragraph [0052]).

Regarding claim 3, Chinomi discloses a content providing area presentation system, comprising: a portable device storing location data representing locations within a research area relevant to the market research (see abstract, fig.1, elements 100, 103/104/105/106/107, paragraph [0039]); and a processor within the portable device operative to associate the location data with data representing respective wireless transmitters positioned at the locations to produce data for mapping the locations of wireless transmitters with the data representing the respective wireless transmitters, wherein the data representing the respective wireless transmitters comprises information regarding at least a part of the exposure of one or more market research participants of one or more commercial items in the market research area (see abstract, fig.1, elements 100, 102, 111, paragraphs [0009], [0039], [0041-0045], fig.2, D203, paragraphs [0052-0053]).

Regarding claim 4, Chinomi further discloses an interactive display coupled with the processor, the processor being operative to control the interactive display to display a layout map representing the research area, the system further comprising a user interface coupled with the processor to input transmitter data representing a wireless

transmitter, the processor being operative to control the interactive display to display transmitter-representative data representing the wireless display on the layout map, the interactive display being operative to receive data representing repositioning of the transmitter-representative data on the layout map by a user and providing the location data, the interactive display being operative to supply the location data to the processor (see abstract, fig.1, elements 100, 102, 110, 111, paragraphs [0009], [0039], [0041-0045], fig.2, D203, paragraphs [0052-0053]).

Regarding claim 5, Chinomi discloses a content providing area presentation system, comprising: providing a layout map to a portable device including location data representing a plurality of locations within the market research area (see abstract, fig.1, elements 100, 111, paragraphs [0009], [0039], [0041-0045], fig.2, element D203, paragraphs [0052-0053]); providing transmitter data to the portable device representing respective ones of the wireless transmitters, wherein the transmitter data comprises information regarding at least a part of the exposure of the one or more market research participants to one or more commercial items in the market research area (see abstract, fig.1, elements 100, 110, paragraphs [0039], [0044-0045]; and associating the transmitter data with the location data in the portable device to produce data mapping the locations of the wireless transmitters with the transmitter data (see abstract, fig.1, elements 100, 102, 111, paragraphs [0039], [0041-0045], fig.2, D203, paragraphs [0052-0053]).

Regarding claims 6-7 and 9, Chinomi further discloses providing transmitter data comprises receiving the transmitter data in a portable device (see fig.1, element 110 paragraphs [0039], [0044-0045])).

Regarding claim 10-12, Chinomi further discloses receiving the layout map including the database in the portable device (see abstract, fig.1, elements 100, 111, paragraphs [0009], [0039], [0041-0045], fig.2, element D203, paragraphs [0052-0053]).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chinomi et al. (2004/0059498).

Regarding claim 8, the receiving the transmitter data (see fig.1, element 110). Except for comprising scanning indicia on the wireless transmitters the Examiner takes Official notice that the feature is structurally integrated with communication device is notoriously well known in the art in order to provide the convenient of using the communication devices to user in propose of tracking the location.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to

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specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/CongVan Tran/  
Primary Examiner, Art Unit 2617